



MEMO ENDORSED

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VIA ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Dario Rodriguez v. Kiara Foods Inc., et al.*
Docket No.: 20-cv-07615 (VEC)

Dear Judge Caproni:

This firm represents Plaintiff Dario Rodriguez in the above-referenced matter against Defendants Kiara Foods, Inc. d/b/a Manolo Tapas Restaurant and Jesus Perez (collectively as “Defendants”), in which Plaintiff alleges violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). The Court entered an order directing the parties to submit their motion for approval of the parties’ settlement agreement, pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), by April 18, 2021 and, if that motion is not submitted by that date, has also scheduled a status conference for April 23, 2021 at 10:00 a.m. Plaintiff’s counsel was recently informed that Plaintiff is traveling outside the United States until approximately May 4, 2021. As a result, Plaintiff will be unable to sign the parties’ settlement agreement until after May 4, 2021. Accordingly, Plaintiff requests, with Defendants’ consent, that Plaintiff’s time to submit a motion for approval of the parties’ settlement agreement be extended from April 18, 2021 to May 18, 2021, and that any subsequent conference be scheduled for a date convenient to the Court in June 2021.¹ Having conferred, the parties are available on June 15, 2021 at or after 2:30 p.m., on June 16, 2021 at or after 2:30 p.m., or on June 18, 2021. This is Plaintiff’s first request for the relief sought herein.

Respectfully submitted,

/S/ David D. Barnhorn, Esq.
DAVID D. BARNHORN, ESQ.

C: All Counsel of Record

¹ Plaintiff’s counsel is scheduled to be on leave to care for his spouse and newborn child following his birth for several weeks up to a month beginning in mid-May 2021, with the duration of the leave depending on their medical needs.

The parties' time to file a letter motion and accompanying settlement agreement is extended to **May 6, 2021**. If the parties are unable to obtain Plaintiff's signature by this date, they may file the final settlement agreement for approval before Plaintiff signs the final agreement. If no letter or stipulation is filed by May 6, 2021, a conference shall be held on May 11, 2021, at 3:00 p.m. in Courtroom 443 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York 10007.

SO ORDERED.

 4/16/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE